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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS EFRAIN PEREZ,

Defendant.

CASE NO. 1:21-CR-00179-NONE-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: December 10, 2021
TIME: 9:30 a.m.
COURT: Hon. Dale A. Drozd

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a status conference regarding the status of the defendant's mental evaluation on December 10, 2021.

2. By this stipulation, defendant now moves to continue the status conference until February 4, 2022 at 9:30 a.m., and to exclude time between December 10, 2021 and February 4, 2022.

3. The parties agree and stipulate, and request that the Court find the following:

a) On October 12, 2021, the Court granted the government's motion for the defendant to submit to a psychiatric examination at a Bureau of Prisons facility. The Court set a status conference for December 10, 2021 and excluded time up to and including that date pursuant to 18 U.S.C. § 3161(h)(7)(A).

b) Bureau of Prisons forensic psychologist Jaime R. Jauregui advised the Court and the parties of the following information in a letter dated November 29, 2021:

i. The defendant arrived at the Metropolitan Correctional Center in San Diego, California for purpose of evaluation on October 28, 2021. He was immediately placed in quarantine.

ii. On November 17, 2021, he was released from quarantine.

iii. Based on current conditions at the facility and constraints based on COVID-19 protocols, the initiation of his evaluation has been delayed.

iv. The facility estimates that the evaluation will be completed by January 11, 2022, and that a report will be available to the parties within two weeks of that date.

v. Based on the current estimates, a continuance of the status conference to February 4, 2022 at 9:30 a.m. will allow the parties to receive and review the report prior to the hearing.

c) Based on the above-stated findings, the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

d) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of December 10, 2021 to February 4, 2022, inclusive, is deemed excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(A), for “delay resulting from any proceeding, including any examinations, to determine the mental competency . . . of the defendant.”

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

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1 IT IS SO STIPULATED.

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4 Dated: December 3, 2021

PHILLIP A. TALBERT
Acting United States Attorney

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6 /s/ KATHERINE E. SCHUH
KATHERINE E. SCHUH
Assistant United States Attorney

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9 Dated: December 3, 2021

/s/ DOUGLAS BEEVERS
DOUGLAS BEEVERS
Counsel for Defendant
CARLOS EFRAIN PEREZ

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13 **ORDER**

14 IT IS SO ORDERED.

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16 Dated: **December 3, 2021**


UNITED STATES DISTRICT JUDGE